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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2009-24

13 JANEL MARIE TEASDALE, R.N.
14 5310 Rex Avenue Unit #3
San Diego, CA 92105

A C C U S A T I O N

15 Registered Nurse License No. 621275

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about July 9, 2003, the Board of Registered Nursing issued
24 Registered Nurse License Number 621275 to Janel Marie (Guckian) Teasdale (Respondent).
25 The Registered Nurse License was in full force and effect at all times relevant to the charges
26 brought herein and will expire on March 31, 2009, unless renewed.

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1 the public or to the extent that such use impairs his or her ability to conduct with
2 safety to the public the practice authorized by his or her license.

3 (c) Be convicted of a criminal offense involving the prescription,
4 consumption, or self-administration of any of the substances described in
5 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
6 record pertaining to, the substances described in subdivision (a) of this section, in
7 which event the record of the conviction is conclusive evidence thereof.

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10 8. Section 490 of the Code states:

11 A board may suspend or revoke a license on the ground that the licensee
12 has been convicted of a crime, if the crime is substantially related to the
13 qualifications, functions, or duties of the business or profession for which the
14 license was issued. A conviction within the meaning of this section means a plea
15 or verdict of guilty or a conviction following a plea of nolo contendere. Any
16 action which a board is permitted to take following the establishment of a
17 conviction may be taken when the time for appeal has elapsed, or the judgment of
18 conviction has been affirmed on appeal, or when an order granting probation is
19 made suspending the imposition of sentence, irrespective of a subsequent order
20 under the provisions of Section 1203.4 of the Penal Code.

21 9. Section 492 of the Code states:

22 Notwithstanding any other provision of law, successful completion of any
23 diversion program under the Penal Code, or successful completion of an alcohol
24 and drug problem assessment program under Article 5 (commencing with section
25 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit
26 any agency established under Division 2 ([Healing Arts] commencing with
27 Section 500) of this code, or any initiative act referred to in that division, from
28 taking disciplinary action against a licensee or from denying a license for
professional misconduct, notwithstanding that evidence of that misconduct may
be recorded in a record pertaining to an arrest.

10. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by
a board within the department pursuant to law to deny an application for a license
or to suspend or revoke a license or otherwise take disciplinary action against a
person who holds a license, upon the ground that the applicant or the licensee has
been convicted of a crime substantially related to the qualifications, functions,
and duties of the licensee in question, the record of conviction of the crime shall
be conclusive evidence of the fact that the conviction occurred, but only of that
fact, and the board may inquire into the circumstances surrounding the
commission of the crime in order to fix the degree of discipline or to determine if
the conviction is substantially related to the qualifications, functions, and duties
of the licensee in question.

As used in this section, "license" includes "certificate," "permit,"
"authority," and "registration."

1 11. Section 125.3 of the Code provides, in pertinent part, that the Board may
2 request the administrative law judge to direct a licensee found to have committed a violation or
3 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
4 and enforcement of the case.

5 12. California Code of Regulations, title 16, section 1444, states:

6 A conviction or act shall be considered to be substantially related to the
7 qualifications, functions or duties of a registered nurse if to a substantial degree it
8 evidences the present or potential unfitness of a registered nurse to practice in a
manner consistent with the public health, safety, or welfare. Such convictions or
acts shall include but not be limited to the following:

9 (a) Assaultive or abusive conduct including, but not limited to, those
10 violations listed in subdivision (d) of Penal Code Section 11160.

11 (b) Failure to comply with any mandatory reporting requirements.

12 (c) Theft, dishonesty, fraud, or deceit.

13 (d) Any conviction or act subject to an order of registration pursuant to
Section 290 of the Penal Code.

14 13. California Code of Regulations, title 16, section 1445 states:

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16 (b) When considering the suspension or revocation of a license on the
17 ground that a licensed vocational nurse has been convicted of a crime, the Board,
18 in evaluating the rehabilitation of such person and his eligibility for a license will
consider the following criteria:

19 (1) Nature and severity of the act(s) or offense(s).

20 (2) Total criminal record.

21 (3) The time that has elapsed since commission of the act(s) or
offense(s).

22 (4) Whether the licensee has complied with any terms
23 of parole, probation, restitution, or any other
sanctions lawfully imposed against the licensee.

24 (5) If applicable, evidence of expungement proceedings
25 pursuant to Section 1203.4 of the Penal Code.

26 (6) Evidence, if any, of rehabilitation submitted by the
licensee.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(April 20, 2005 Criminal Conviction for Spousal Abuse on October 16, 2004)**

3 14. Respondent has subjected her license to disciplinary action under sections
4 490 and 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is
5 substantially related to the qualifications, functions, and duties of a registered nurse. The
6 circumstances are as follows:

7 a. On or about April 20, 2005, in a criminal proceeding entitled
8 *People v. Janel Marie Teasdale*, in Riverside County Superior Court, Case No. SWM032085,
9 Respondent was convicted on her plea of guilty for violating Penal Code section 273.5,
10 subdivision (a), willful and unlawful infliction of corporal injury on a spouse resulting in a
11 traumatic condition, a misdemeanor.

12 b. As a result of the conviction, on or about April 20, 2005,
13 Respondent was sentenced to 36 months summary probation, 45 days in the custody of the
14 sheriff's work program, 20 hours of community service, completion of a 52-week Domestic
15 Violence/Batterers Program, payment of restitution to the victim, and payment of fines and fees
16 in the amount of \$665.

17 c. At a hearing on or about June 14, 2005, Respondent was found in
18 violation of probation for failing to complete the 52-week Domestic Violence Program.
19 Probation was reinstated on the same terms. Subsequent hearings were held on Respondent's
20 violation of probation terms, including the October 4, 2006 hearing described in paragraph 15(b),
21 below. A bench warrant is in effect for Respondent's arrest for failing to provide proof that she
22 completed 20 hours of community service.

23 d. The circumstances that led to the conviction were that on or about
24 the early morning hours of October 16, 2004, the Riverside County Sheriff's Department was
25 dispatched to a report of a domestic dispute at the Winchester home Respondent shared with her
26 husband. Respondent's husband reported to the deputy sheriff that he and Respondent had been
27 drinking at a neighbor's house until approximately 2:30 a.m. After returning home, an argument
28 ensued in the master bedroom and Respondent hit her husband in the face with both hands and

1 scratched his right cheek. Respondent also threw a glass vase and a wineglass at her husband,
2 but did not hit him. When Respondent's husband attempted to leave the residence, Respondent
3 blocked his vehicle. Respondent then opened the rear hatch of her husband's vehicle, removed a
4 large speaker box, and threw it at the right side of the vehicle. Respondent tripped and fell to her
5 knees, then ran inside the residence. When the deputy interviewed Respondent, Respondent
6 admitted she had consumed about five glasses of wine. Respondent claimed that when she
7 opened the bedroom door, she hit the dresser and knocked over the vase and wine glass.
8 Respondent had no explanation as to why the vase and wine glass were on the opposite side of
9 the room. Respondent claimed she did not know how her husband sustained his injuries. The
10 deputy determined that the husband's statement was credible and Respondent was the aggressor.
11 The deputy photographed the husband's injuries which included a three-inch scratch on his
12 cheek, and redness and swelling to his lower lip. Respondent was arrested and booked for
13 spousal abuse.

14 15 **SECOND CAUSE FOR DISCIPLINE**

16 **(October 4, 2006 Criminal Conviction for DUI on August 28, 2006)**

17 15. Respondent has subjected her license to disciplinary action under sections
18 490 and 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is
19 substantially related to the qualifications, functions, and duties of a registered nurse. The
20 circumstances are as follows:

21 a. On or about October 4, 2006, in a criminal proceeding entitled
22 *People v. Janel Marie Teasdale (a.k.a. Janel Marie Guckian)*, in Riverside County Superior
23 Court, Case No. SWM053898, Respondent was convicted on her plea of guilty for violating
24 Vehicle Code section 23152, subdivision (a), driving under the influence; and Vehicle Code
25 section 23152, subdivision (b), driving with a blood alcohol concentration of greater than 0.08,
26 misdemeanors.

27 b. As a result of the conviction, on or about October 4, 2006,
28 Respondent was sentenced to 36 months summary probation, 12 days in the custody of the

1 sheriff, with credit for two days served, completion of a nine-month First Offender DUI
2 Program, and payment of fines and fees in the amount of \$1,430.40. Respondent's probation
3 was revoked in case no. SWM032085, detailed in paragraph 14, above, and a bench warrant is in
4 effect for Respondent's arrest.

5 c. The circumstances that led to the conviction were that on or about
6 the evening of August 28, 2006, in the city of Temecula, a California Highway Patrol officer
7 observed Respondent in a Mitsubishi following a vehicle at an unsafe distance. As he got closer,
8 the officer noted that the registration tabs were expired. The officer pulled over Respondent and
9 requested her driver's license and registration. The officer noted an odor of alcoholic beverage
10 emitting from her breath. Respondent's eyes were red and watery, and her speech was slurred
11 and broken. Respondent admitted to the officer that she had consumed two alcoholic beverages.
12 The arrest report contained information that Respondent had also consumed prescription
13 medications Vicodin and Soma, but Respondent did not know how much or when she last used
14 the drugs. Respondent was administered a series of Field Sobriety Tests (FST's), which she was
15 not able to complete in a satisfactory manner. Based on the officer's objective observations,
16 Respondent's admission to drinking alcohol, and her failure to perform the FST's, Respondent
17 was arrested for driving under the influence. A subsequent blood test revealed Respondent's
18 blood alcohol concentration was 0.27% approximately one hour after the initial stop.

19 20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)**

22 16. Respondent has subjected her license to disciplinary action under section
23 2762, subdivision (b) of the Code in that on or about August 28, 2006, Respondent used alcohol
24 in a manner that was potentially dangerous or injurious to herself and the public when she drove
25 a vehicle with a blood alcohol concentration of 0.27%, as described in paragraph 15, above.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Criminal Conviction Involving Alcohol Abuse)**


3 17. Respondent has subjected her license to disciplinary action under section
4 2762, subdivision (c) of the Code in that on or about October 4, 2006, Respondent was convicted
5 of driving under the influence of alcohol and driving with a blood alcohol concentration greater
6 than 0.08, as described in paragraph 15, above.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein
9 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License Number 621275,
11 issued to Janel Marie (Guckian) Teasdale;
- 12 2. Ordering Janel Marie Teasdale to pay the Board of Registered Nursing the
13 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
14 Professions Code section 125.3;
- 15 3. Taking such other and further action as deemed necessary and proper.
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17 DATED: 7/31/08

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19 
20 RUTH ANN TERRY, M.P.H., R.N.
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant
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